

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DEMETTRESS ARLENE BURNETT,	:	
	:	NO. 1:11-CV-0324
Plaintiff,	:	
	:	
	:	
v.	:	<b>ORDER</b>
	:	
	:	
CARRINGTON HEALTH SYSTEMS,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 40), in which she recommends that Defendant's motion for summary judgment be granted and this matter be closed from the court's docket. Plaintiff did not file objections to the Magistrate Judge's Report & Recommendation but instead filed a notice of appeal (doc. 43). Plaintiff's interlocutory appeal of the Magistrate Judge's Report and Recommendation divested this Court of jurisdiction to entertain the Report and Recommendation, but the Court of Appeals recently dismissed Plaintiff's appeal for lack of jurisdiction (doc. 48). Thus, the Magistrate Judge's Report and Recommendation is now ripe for the Court's review.

As noted, Plaintiff did not file objections to the report, but the Court has reviewed Plaintiff's appeal and

construes it as objections to the report.<sup>1</sup> Accordingly, as required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon thorough consideration of the foregoing, the Court finds Plaintiff's objections unpersuasive and determines that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. Consequently, the Court ADOPTS and AFFIRMS it in its entirety (doc. 40).

Therefore, Defendant's Motion for Summary Judgment is GRANTED (doc. 24), Plaintiff's complaint is dismissed with prejudice (doc. 3), and this matter is closed from the Court's docket.

SO ORDERED.

Dated: March 19, 2013      s/S. Arthur Spiegel  
   S. Arthur Spiegel  
   United States Senior District Judge

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<sup>1</sup> The Court notes that on March 14, 2013, Plaintiff filed a motion in which she asks that what she submitted on appeal be considered as timely-filed objections to the Magistrate Judge's Report and Recommendation and that on March 16, 2013, Defendant filed both a response in opposition and a motion to strike (docs. 50 & 51). Because the Court independently chose to construe Plaintiff's appeal as objections to the Magistrate Judge's report and out of an abundance of caution considered that information in its review of this matter, both Plaintiff's motion (doc. 49) and Defendant's motion (doc. 51) are rendered moot and are denied as such.